

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:02CR328
)	
v.)	
)	
RAFAEL SEGURA-VALLE,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on defendant's motion to review sentence. Filing No. 63. The court has reviewed this motion and has determined that defendant intended it to be an appeal of his sentence to the Eighth Circuit Court of Appeals. The court has further determined that Judge Thomas Shanahan imposed a sentence in this case and entered judgment on July 22, 2004. Filing No. 61. Defendant did not thereafter file a direct appeal to the Eighth Circuit, nor did he file a 28 U.S.C. § 2255 motion. The court concludes, therefore, that the motion presently before it has been filed over one year from the entry of judgment, far in excess of the ten days permitted for appeal, and is time barred. See Fed. R. App. P. 4(b)(1)(A) (defendant has ten days after entry of judgment to file an appeal).

IT IS ORDERED that defendant's motion to review sentence, Filing No. 63, is denied as out of time.

DATED this 3rd day of October, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge